

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JENARO D HERNANDEZ,

Petitioner,

v.

JASON BENNETT,

Respondent.

CASE NO. 2:24-cv-00982-JHC

ORDER

This matter comes before the Court on Petitioner's Motion for Relief from Judgment at Dkt. # 32, Petitioner's Motion for Relief from Judgment at Dkt. # 37, Motion to Appoint Counsel at Dkt. # 39, and the Court's order to show cause at Dkt. # 30.

As before, Petitioner continues to file meritless, form, fill-in-the-blank motions.

The Rule 60(b)(4) motions at Dkt. # 32 and Dkt. # 37 fail because they specify a judgment dated September 9, 2024, but no judgment was entered on that date. Judgment was entered on September 20, 2024, Dkt. # 11, but it had nothing to do with any discernible issue raised in the motions.


The motion for appointment of counsel at Dkt. # 39 fails, as Petitioner does not even address the standards for such a motion. Deciding whether to appoint counsel is within "the

1 sound discretion of the trial court and is granted only in exceptional circumstances.” *Franklin v.*
2 *Murphy*, 745 F.2d 1221, 1236 (9th Cir. 1984). A finding of exceptional circumstances requires
3 an evaluation of both the likelihood of success on the merits and the ability of the plaintiff to
4 articulate their claims pro se given the complexity of the legal issues involved. *Wilborn v.*
5 *Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986). Petitioner does not show any likelihood of
6 success on the merits.

7 Finally, on December 4, 2024, the Court ordered Petitioner to show cause why a
8 vexatious litigant bar order should not be issued. Dkt. # 30. Petitioner has failed to show any
9 cause. And he continues to file meritless, form, fill-in-the-blank motions.

10 Accordingly, the Court DENIES the motions at Dkt. ## 32, 37 & 39. And the Court
11 DIRECTS the Clerk to strike any new motion by Petitioner in this matter as this case is now
12 closed.

13 Dated this 30th day of December, 2024.

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15 
16 John H. Chun
United States District Judge